

REMARKS

Claim Objections

Claim 21 is objected to for depending from Claim 24, which does not exist. Claim 21 has been amended to depend from Claim 20.

Claims Rejections – 35 USC § 112, ¶2

Claim 20 is rejected under 35 USC § 112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the recitation that “the monoclonal antibody further includes an antigen or transfer factor” is rejected as being unclear as to how an antibody is to include an antigen and a transfer factor. Claim 20 has been amended to recite “the monoclonal antibody is conjugated to a fungal antigen or mumps virus,” clarifying how the monoclonal antibody is connected to the antigen.

Claim Rejections – 35 USC § 112, ¶1

Claims 1-3, 12, and 20 are rejected under 35 USC § 112, ¶1 as failing to comply with the written description requirement. More specifically, the grounds for the rejection is that the written description only sets forth antibodies directed against cancer cell antigens wherein the monoclonal antibody is conjugated to either asp f1 or mumps virus, which is not commensurate in scope with the Examiner’s construction of the claims. Page 3 of the Office Action states the following:

The specification ... discloses that the antigens can be ‘fungal antigens, viruses or viral components, tuberculo protein, coccidioidin, BCG, etc.’ However, nowhere beyond the mere mention of these antigens does the specification provide support. This is insufficient to support the claim to the broad genus.

Claim 1 has been amended to recite “wherein the monoclonal antibody is conjugated to a *fungal antigen or mumps virus*.”

Claim Rejections – 35 USC § 112, ¶1

Claims 1-6 and 12 are rejected under USC § 112 ¶1 because the specification does not reasonably provide enablement for a vaccine comprising an antibody specific for a cancer cell conjugate to an asp f1 or mumps virus, and a transfer factor. More specifically, the rejection stated

that "the specification provides no exemplification of or guidance on how to use the claimed vaccine for immunization purposes with any predictability."

Claims 1-6 and 12 have been amended to recite a "composition" instead of a "vaccine."

Conclusion

The specification has been amended to correct obvious typographical errors. Claims 1-6, 12, 20, and 21 are amended, and they are now in condition for allowance. Since the claims are amended, the title has been amended to properly reflect the scope of the claims.

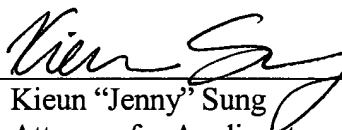
Please telephone the undersigned attorney at (650) 833-2121, if there are any questions.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: October 28, 2004

By



Kieun "Jenny" Sung
Attorney for Applicant
Reg. No. 48,639

GRAY CARY WARE & FREIDENRICH LLP

Attn: Patent Department

2000 University Street

East Palo Alto, CA 94303

Telephone: (650) 833-2121

Facsimile: (650) 833